

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CORY O'NEAL BREWER,

Case No. 3:20-cv-00396-MMD-CLB

Petitioner,

ORDER

v.

WILLIAM REUBART, *et al.*,

Respondents.

This is a habeas corpus action brought under 28 U.S.C. § 2254 by Petitioner Cory O'Neal Brewer, a Nevada prisoner proceeding *pro se*. On October 17, 2022, the Court issued an order requiring Brewer to show cause as to why this action should not be dismissed under the total exhaustion rule established by *Rose v. Lundy*, 455 U.S. 509, 522 (1982). (ECF No. 61.) In response to that order, Brewer has filed a declaration indicating that he wishes to "waive exhausting" his unexhausted claims and proceed only on his exhausted claims. (ECF No. 63 at 2.)

It is therefore ordered that Grounds 1(A)(6), 1(B)(2), 2(A)(4), and 2(A)(5) of the First Amended Petition (ECF No. 39) are *dismissed without prejudice* as unexhausted.

It is further ordered that Respondents will have 30 days from the date of this order to file an answer to Brewer's remaining grounds for relief.

It is further ordered that Brewer will have 30 days following service of Respondents' answer to file a reply.

DATED THIS 8th Day of November 2022.


MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE